

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOVA DESIGN TECHNOLOGIES, LTD. : CIVIL ACTION
v. :
MATTHEW K. WALTERS, et al. : NO. 10-7618

ORDER

AND NOW, this 28th day of June, 2012, whereas the Court entered a Memorandum and Order on June 27, 2012, and whereas the Court entered an Amended Memorandum bearing today's date which corrected the Court's characterization of which claims had been remaining against which individual defendants, and whereas the Court's discussion of the gist of the action doctrine in Section III.A.1 of the Memorandum Opinion of June 27, 2012 applies by its terms to all tort claims brought against Matthew Walters and Brian Guerra, IT IS HEREBY ORDERED that the individual defendants' Motion for Summary Judgment is also GRANTED IN PART as to Count II against Brian Guerra.

Whereas the Order of June 27, 2012 erroneously also refers to "the claim for fraudulent concealment or nondisclosure in Count IV against Dale Walters," and whereas the plaintiff has withdrawn all claims in Counts II-IV as against Dale Walters, Pl.'s Opp. 20, Tr. Hr'g 5/9/12 at 84, and by way of

clarification, IT IS FURTHER ORDERED that Counts II, III, and IV against Dale Walters are DISMISSED WITH PREJUDICE as withdrawn by the plaintiff.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.